

continuous signal of images and sounds with a data signal, classified in class 348, subclass 501;

- IV. Claims 27, 28, 30-33, 48, 49 and 51-54, drawn to the interactive television-computer apparatus having the single integrated television tuner/data decoding device and the user interface, classified in class 348, subclass 563;
- V. Claims 29, 34-36, 39, 50, 55-57 and 60, drawn to the method for remotely controlling display data on a display device of a computer, classified in class 348, subclass 552; and
- VI. Claims 76 and 77, drawn to electronic information and method for handling electronic information for a user, classified in class 370, subclass 352.

In response to this Requirement for Restriction, Applicant provisionally elects, with traverse, to prosecute claims 20-24, 38, 41-45, 59 and 62, which correspond to Invention I from among Inventions I-VI into which the Office Action has classified the pending claims.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be serious burden on the examiner if restriction is not required. [Emphasis added.]

The Office Action states that Inventions I-VI are *prima facie* independent and distinct inventions due to their recitations of distinct and specific structures, and that

the inventions have each acquired a separate status in the art because of their recognized divergent subject matter. The Office Action thus concludes that restriction is proper.

Applicants respectfully traverse the requirement for restriction on the grounds that searching these inventions would not be unduly burdensome and, in fact, would be necessary to ensure a complete search for a proper examination on the merits of any one of Inventions I-VI. For example, claims of groups I-III and V each relates to providing (or receiving) a broadcast/point-to-multipoint signal that includes data/information signals associated with a client device/facility. Thus, Applicant respectfully submits that such a commonality in subject matter being searched not only indicates that it would not be unduly burdensome to search all Inventions as grouped in the Office Action, but also that in searching any Invention (as grouped in the Office Action) all the classes/subclasses identified in the Office Action should be searched in order to be sure that all pertinent art is considered for a proper examination on the merits.

Accordingly, Applicants submit that it cannot be said that to examine the claims of Inventions II-VI in addition to the claims of Invention I would place an additional "serious" burden on the Examiner, as examination of the claims of Inventions II-VI would not require undue diverse searching beyond that which would be necessary for proper examination of the claims of Invention I. Thus, it is respectfully submitted that all groups of restricted claims are properly presented in the same application, undue diverse searching would not be required, and all claims should be examined together.

For the foregoing reasons, Applicants respectfully request that the restriction requirement be withdrawn and all claims examined on the merits. In the

alternative, Applicants respectfully request that the restriction requirement be withdrawn at least in part (e.g., as to Inventions I-III and V).

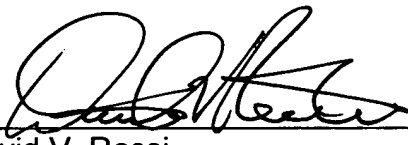
The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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